

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARTIN J. WALSH,)	
SECRETARY OF LABOR,)	
U.S. DEPARTMENT OF LABOR,)	
)	
Plaintiff,)	
)	CIVIL ACTION FILE
v.)	NO. 4:22-cv-3246
)	
PACKERS SANITATION SERVICES,)	
INC., LTD.)	
)	
Defendant.)	

DECLARATION OF JILL AZOCAR

I, Jill Azocar, declare under penalty of perjury, as prescribed in 28 U.S.C. § 1746, that the following is true and correct:

1. I am an Assistant District Director for the United States Department of Labor, Wage and Hour Division’s Minneapolis District Office. I was assigned to assist on the investigation into the Defendant’s compliance with the child labor provisions of the Fair Labor Standards Act (“FLSA”).

2. I have been an Assistant District Director with Wage and Hour since July 2022; prior to that, I was an investigator, starting in August 2009. As an investigator, I was responsible for conducting investigations of employers under various laws that the Wage and Hour Division are charged with enforcing, including the FLSA. Over the past thirteen years, I have been the lead investigator on over 180 cases and have assisted on several others. Over 100 of the cases included a focus on child labor. The child labor cases included minors being employed in violation of the Hours and Times standards, 29 C.F.R. § 570.35(a) and Hazardous Occupation Standards, 29 C.F.R. §§ 570.33, 570.51-570.68.

3. The statements made herein are based on my training and experience, my personal knowledge, observations made during the execution of the warrant involving Defendant (as discussed below), as well as conversations with representatives and employees of the Defendant in this matter.

The Defendant

4. Packers Sanitation Services, Inc., Ltd., which may also operate as or do business as Packers Sanitation Services, LLC, (“PSSI”) is a cleaning and sanitation company that provides contract work at meat processing facilities. The PSSI location at 1016 Oxford St., Worthington, Minnesota 56187, is a workplace where PSSI currently recruits and signs up employees to work for PSSI at a meat processing facility located at 1700 Highway 60 N.E. in Worthington, MN. The meat processing facility is owned and/or operated by JBS USA or one of its affiliates (“JBS”).

The Investigative Findings

5. On August 24, 2022, the Wage and Hour Division initiated an investigation of PSSI to determine whether its practices complied with the FLSA, including its child labor provisions.

6. From October 3-4, 2022, I conducted surveillance at the JBS plant located at 1700 Highway 60 N.E. Between the hours of 11:00 p.m. and 1:00 a.m., I observed approximately sixty (60) workers enter the facility. Based on their appearance, many of the workers appeared to be young and were estimated to be under the age of 18 years.

7. On October 3, 2022, I visited Worthington High School, located at 1211 Clary St. in Worthington, MN. I visited the school in person along with Wage and Hour Investigators (“WHI”) Matthew Latuff and Lucia Mejia.

8. From October 12-13, 2022, I again conducted surveillance at the JBS plant. Between the hours of 11:15 p.m. and 12:30 a.m., I observed approximately eighty (80) workers enter the facility. Many of the workers appeared to be young and were estimated to be under the age of 18 years. This surveillance assignment preceded the serving of the warrant.

Execution of the Warrants

9. Wage and Hour obtained warrants from U.S. Magistrate Judge Elizabeth Cowan Wright, in the District of Minnesota, authorizing Wage and Hour to inspect and enter PSSI's storefront facility at 1016 Oxford St., Worthington, MN 56187, and the JBS beef production facility at 1700 Highway 60 N.E., Worthington, MN 56187, and "to make an inspection and investigation into violations of the Fair Labor Standards Act, including child labor violations[]" including, but not limited to, "time records of PSSI workers and/or employees, identification documents and records reflecting the age of workers and employees of PSSI, tax records, PSSI corporate records, surveillance videos, and other records or documents as the investigators may deem necessary or appropriate." The warrant also allowed for "questioning privately any employee or agent, and the taking of photographs and videos."

10. On October 13, 2022, Wage and Hour executed the warrants on the JBS meat processing facility during the workers' shift. I waited outside of the security building located at 1700 Highway 60 N.E., while WHI Latuff and Regional Enforcement Coordinator ("REC") Raul Esparza entered the security building at 2:00 a.m. Once security had been notified of the warrant, I entered the grounds. Once we received the go ahead

from security, we entered the facility and begin interviews. We entered through an unlocked door near a room labeled laundry.

11. On October 13, 2022, at 8:00 a.m., Wage and Hour executed the warrant at the PSSI storefront located at 1016 Oxford St. I was present, along with WHI Latuff and REC Amanda Christopoulos, when warrant was served. A copy of the warrant was provided to the PSSI Office Manager Sanjuanita Briones upon entry into the PSSI establishment.

Observations at the JBS Facility

12. Upon entry to the JBS Meat Processing facility, I located an office and knocked on an office door labeled Kill Floor Supervisor or Manager and identified myself. The on-duty kill floor supervisor took me to an office area in search of the plant manager. We did not find the plant manager and therefore began to walk back to her office area. On the way, she pointed into a room labeled with the word “Belly” and said that the workers in that room were from PSSI. The workers were in the process of cleaning the room, which was steamy, loud, and wet. I spoke briefly with two adult female workers who told me that additional PSSI workers could be found in the breakrooms. From there I made my way to the breakroom area. Just outside of the breakroom, I was approached by Pedro Manzanares, who identified himself as the Assistant Manager. I explained the reason for my presence and offered my identification.

13. Mr. Manzanares told me that there were 110 PSSI employees working at the plant that night. He told me that he had worked for PSSI for thirty-one years and had been at the Worthington location for eight years. Mr. Manzanares stated that Jose Salo Serato is the manager in charge of PSSI at Worthington.

14. PSSI In-House Safety Specialist Yarik Morales Vargas gave us access to all files that were located in the PSSI office at the JBS facility. When I arrived, Mr. Morales Vargas was standing outside of the office and REC Christopoulos was inside the office reviewing documents. On the desk, I discovered an unlocked cell phone that, based on my review, was a PSSI business cell phone belonging to Mr. Serato. I reviewed text messages that appear to show Mr. Salo Serato discussing the use of false identity documents. The text message reads as follow (translated from Spanish to English):

Ruben: Hello Salo. Good afternoon. Hey, they are selling me [identity] information and the person tells me that the ID and social security numbers are good. Will this information suffice for me to be able to go back to work
 Salo: Yeah, the only this [sic] is that the ID will need to have your face and that'll work.

Another text message on the same phone reads as follows (translated from Spanish to English):

Fidel: I am trying to get some papers to apply at Pella, they pay well and it's 48 hours a week from Monday to Thursday.
 Salo: Do you need everything or just the information?
 Fidel: I need everything. They check to make sure the social security number is good even if the other things are false.
 Salo: You can't do it with copies?
 Fidel: No because they check it with a machine
 Salo: Okay, what age?
 Fidel: Between 35 and 45

Interviews with Minor Children

15. At the JBS facility, I interviewed an individual confirmed to be a minor child working the overnight sanitation shift (12:00 a.m. to 7:00 a.m.) on October 13, 2022. I conducted the interview in Spanish in the breakroom of the JBS facility.

Minor Child Q

16. Minor Child Q provided their real name and disclosed that they were

working under an assumed name and that their real age is 17 years old.

17. Minor Child Q further disclosed that many of their PSSI coworkers also attend the local high school, but stated they did not know their names.

18. Minor Child Q explained their job was to clean the machines and conveyer belts in the cold rooms. Minor Child Q did not know the names of the machines or their purpose, but explained that they clean all of machines in the assigned area.

19. Later, we were able to confirm based on PSSI documents and Minor Child Q's alias that they worked in the Ham Boning room, which includes multiple conveyors and machines such as membrane skimmers, which remove the membranes from the meat.

20. Additionally, based on PSSI documents and school records, we learned Minor Child Q had started working at PSSI at age 15, and was actually 16-years-old at the time of interview.

At PSSI Storefront/Office

21. I was responsible for identifying and copying any pertinent records. I toured the office and identified a number of file cabinets and drawers containing records. Most records I encountered predated 2018. Where more recent relevant paper records were located, I made copies of such documents. I used a copy machine in the front office and copied a number of documents that were then provided to WHI Latuff.

Executed on this 3rd day of November, 2022.

JILL
AZOCAR

Digitally signed by
JILL AZOCAR
Date: 2022.11.03
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Jill Azocar
Assistant District Director
Wage and Hour Division
U.S. Department of Labor